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Mark E. Peters

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BOCA RATON, FL 33487

EXAMINER

FIELDS, BENJAMIN S

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,503	Applicant(s) PETERS ET AL.	
	Examiner BENJAMIN S. FIELDS	Art Unit 3684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. A **request for continued examination** under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), **was filed** in this application **after final rejection**. Since this application is **eligible** for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the **finality** of the previous Office action has been **withdrawn** pursuant to 37 CFR 1.114. Applicants submission filed on 19 February 2010 has been entered.

2. The following is a **NON-FINAL** Office Action in response to the communication received on 19 February 2010. Claims 13-24 are now pending in this application.

Response to Amendments

3. The Examiner acknowledges the Applicants supplemental amendments within the paper filed 19 February 2010.

4. *A Note on the Current Claim Status Identifiers:* **The Examiner notes that Claims 21-25 currently state (Previously Presented), however, it is clear that these claims have been Currently Amended. In efforts to advance prosecution within the instant application (without the issuance of a Non-Compliant Amendment), the Examiner placed a call to the Applicants representative, Scott D. Paul (Reg. #: 42,984), 25 February 2010 (and left a voice mail message) and informed Mr. Paul about the state of the Claims 21-25 current claim status identifiers.**

Appropriate correction is required.

5. Applicants Amendments to Claims 1-12 has been acknowledged in that: **Claims 1-12 have been newly cancelled; Claims 13-24 have been newly added; Claims 13, 17, and 21-24 have been newly amended;** hence, as such, **Claims 13-24 are pending in this application.**

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (US PG Pub. No. 2002/0032616), [hereinafter Suzuki] in view of Steed et al. (US PG Pub. No. 2002/0107755), [hereinafter Steed].

Referring to Claim 13: Suzuki discusses a proxy server system comprising: a storage device storing a plurality of profiles associated with different ones of a plurality of mobile server wallet providers (Suzuki: Abstract; Figures 3-4, 6-7; Page 1, Paragraphs 0002, 0006, 0008, 0011-0012, 0014; Page 2, Paragraphs 0024, 0027, 0030; Page 3, Paragraphs 0031-0038; Page 4, Paragraph 0049); and a processor connected to the memory (Suzuki: Abstract; Figures 3-4, 6-7), the processor includes: a filter configured to intercept a plurality of messages from a plurality of subscriber mobile devices directed to an online merchant, select, based upon one of the plurality of the

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profiles, a specific message from the plurality of messages, redirect, based upon the one of the plurality of the profiles, the specific message from the online merchant to one of the plurality of mobile server wallet providers specified by the one of the plurality of the profiles (Suzuki: Figures 2-7; Page 1, Paragraph 0009; Page 2, Paragraph 0017; Page 3, Paragraph 0031-Page 4, Paragraph 0051//Suzuki discloses a system which possesses a relay server [which operates as a content proxy server]//).

Suzuki, however, does not expressly show a proxy server disposed in said wireless service provider network.

Steed, in a similar environment, discusses a proxy server disposed [with] in [a] said wireless service provider network (Steed: Abstract; Page 1, Paragraph 0003-Page 2, Paragraph 0014).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the method of Suzuki for a relay server method and payment system with the disclosure of Steed for a server based electronic wallet system by including a proxy server for the purpose of automatically completing/filling-in forms relating to purchasing, etc. on behalf of a customer (Steed: Page 1, Paragraphs 0003-0013) for the benefit of speeding up the process as well as prevention of input errors.

Referring to Claim 14: Suzuki teaches a proxy server system, wherein: each of the plurality of profiles includes: a criteria for selecting a message from the plurality of messages (Suzuki: Figures 3-7; Page 2, Paragraph 0030); a specific one of the plurality of mobile server wallet providers to which a selected message is redirected (Suzuki:

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Page 2, Paragraph 0030-Page 3, Paragraph 0038; Page 3, Paragraph 0048-Page 4, Paragraph 0049).

Referring to Claim 15: Steed shows a proxy server system, wherein the criteria includes an identity of a particular subscriber (Steed: Figures 1-3).

Referring to Claim 16: Steed discusses a proxy server system, wherein the criteria includes an identity of a particular merchant (Steed: Figures 1-3).

Referring to Claims 17-20: Claims 17-20 are directed toward a method for the system of Claims 13-16. As such, Claims 17-20 are rejected under the same basis as are Claims 13-16 as mentioned supra.

Referring to Claims 21-24: Claims 21-24 are directed toward a computer-readable storage medium including computer program code for the system of Claims 13-16. As such, Claims 21-24 are rejected under the same basis as are Claims 13-16 as mentioned supra.

Response to Arguments

8. Applicants arguments filed 16 February 2010 have been fully considered but have been found to be **moot** and **non-persuasive**. The Applicants argue:

Argument

CLAIMS 1-12 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED
UPON SUZUKI ET AL. - U.S. PATENT PUBLICATION NO. 2002/0032616
(HEREINAFTER SUZUKI) IN VIEW OF STEED ET AL. - U.S. PATENT PUBLICATION
NO. 2002/0107755 (HEREINAFTER STEED)

Claims 1-12 have been cancelled, and thus, the Examiner's rejection as to these claims is moot. Referring to page 4 of the Decision on Appeal, the Honorable Board made the following finding of fact: 4. Appellants' Specification describes that a "profile" can specify a merchant and further can have a configuration for routing the payment messages to the mobile server wallets when a source of the payment messages matches a merchant identity specified in the profiles. (p. 4). Referring to the paragraph spanning pages 12 and 13 of the Decision on Appeal, the Honorable Board presented the following analysis: With regard to the profiles linked to the plug-in, as recited in claim 2, Appellants' Specification describes that the profiles can specify a merchant and route the payment messages. (FF 4). Thus, since Suzuki's payment system specifies merchants and routes payment messages (FF 6, 8, 9, 10), as discussed supra, the combination of Suzuki and Steed makes obvious "a plurality of profiles communicatively linked to said filter plug-in." Therefore, Appellants' argument is not persuasive as to error in the rejection. Although newly-presented independent claims 13, 17, and 21 each recite a plurality of profiles, Applicants note that the recitation of the profiles within the current claims is not entirely consistent with the Honorable Board's analysis reproduced above. Specifically, as claimed, the profile is used to both (i) select certain specific messages from the plurality of messages flowing through proxy server system and (ii) redirect these selected messages to a specified one of the plurality of mobile server wallet providers. The Honorable Board's analysis involved identifying teachings within Suzuki of specifying merchants and the routing of payment messages. The Honorable Board's analysis also included an implied claim construction of profiles that inferred profiles are used to route a payment message to a mobile server wallet when a payment message matches a specific merchant identify specified in the profile. Although the Honorable Board then concluded that the combination of Suzuki and Steed makes obvious the claimed profile recited in claim 2 (now cancelled), the Honorable Board did not identify any teachings within Suzuki or Steed that corresponds to the profile. Instead, the Honorable Board's analysis identified the profile's functionality as being obvious without ever establishing that the specific feature that provided this functionality as being obvious. This analysis notwithstanding, as

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discussed above, the claimed profile involves two characteristics that were not addressed by the Honorable Board's analysis. Specifically, both the applied prior art and the Honorable Board's analysis is silent as to the claimed profile being used to select specific ones of the plurality of messages. Moreover, both the applied prior art and the Honorable Board's analysis is silent as to the same profile being used to reroute the same selected message to a specific one of the plurality of mobile server wallet providers. These combination of characteristics have not been rendered obvious by the applied prior art. Therefore, for above-described reasons, Applicants respectfully submit that a rejection of claims 13-24 under 35 U.S.C. § 103 for obviousness based upon Suzuki and Steed would not be obvious. Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicants hereby respectfully request reconsideration and prompt allowance of the pending claims. Although Applicants believe that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II): When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction. (emphasis added).

Regarding Argument

The Examiner respectfully disagrees. First, the Applicants are arguing limitations which were not initially disclosed within the previously pending claims. The current claims include limitations which were not originally present within the instant claim

language, thus the discussion regarding such is moot and non persuasive. Although the Honorable Board (per Applicants) then concluded that the combination of Suzuki and Steed makes obvious the claimed profile recited in claim 2 (now cancelled), the Honorable Board did not identify any teachings within Suzuki or Steed that corresponds to the profile, this in no way renders the instant claim language patentable material. Last, per Applicants: "... this analysis notwithstanding, as discussed above, the claimed profile involves two characteristics that were not addressed by the Honorable Board's analysis.", the Examiner affirms that these combination of characteristics have been rendered obvious by the applied prior art above and discussed within this office action for the Applicants consideration. Therefore, for above-described reasons, the Examiner submits that the rejection above of Claims 13-24 under 35 U.S.C. § 103 for obviousness based upon Suzuki and Steed would be obvious.

9. The arguments as filed 16 February 2010 have been fully considered but have been found to be **moot** and **non-persuasive**. As the remaining claims depend directly or indirectly from the independent claims mentioned/discusses above, the Examiner maintains all previously asserted rejections.

Conclusion

10. Any inquiry concerning this communication should be directed to BENJAMIN S. FIELDS at telephone number 571.272.9734. The examiner can normally be reached MONDAY THRU FRI between the hours of 9AM and 7PM. If attempts to reach the

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examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can be reached at 571.272.6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin S. Fields

23 February 2010

/Nga B. Nguyen/

Primary Examiner, Art Unit 3684